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Wolinsky in view of Erbel.

Wolinsky does not have or suggest the recited plurality of interconnected struts adjacent the first side which have curved regions which curve about the first region of the special strut nor does it have the recited plurality of interconnected struts adjacent the second side which have curved regions which curve about the second region of the special strut.

Erbel does not provide the missing teaching.

Therefore, claim 1 and claims 2, 9-10, 15, and 34 dependent therefrom are patentable over the combination of Wolinsky and Erbel at least for the reasons discussed above.

Independent claim 26 as amended requires the presence of a plurality of serpentine bands formed of interconnected struts, including a proximal-most serpentine band and a distal-most serpentine band and a plurality of intermediate serpentine bands between the proximal-most and distal-most serpentine bands, some of the intermediate serpentine bands including special struts. A plurality of the special struts are located at one end of the cover and another plurality of the special struts located at another end of the cover to mark the location of the cover. The special struts are located only in intermediate serpentine bands

Wolinsky shows markers at the end-most serpentine bands of the stent. Wolinsky does not show markers in the intermediate bands of the stent. Because of the crowded configuration of the Wolinsky stent and, in particular, the shape of the markers and the presence of the many connectors between adjacent bands, one of ordinary skill in the art would not be expected to include the markers of Wolinsky in any other region of the Wolinsky stent other than the end-most serpentine bands. Erbel does not supply the motivation for any such modification. Therefore, claim 26 and claims dependent therefrom are patentable over the proposed combination of Wolinsky and Erbel.

Applicant requests that the rejection of independent claims 1 and 26 and claims 2, 9, 10, 15, 28, 34, and 35 dependent thereof be withdrawn.

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In the Final Office Action, the previously requested withdrawal of the rejection of claims 13 and 14 is denied.

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Claims 13 and 14 depend from claim 1 and are patentable at least for the reasons discussed above.

Withdrawal of the rejection of claims 13 and 14 is requested.

7-8

In the Final Office Action claim 36 is rejected under 35 USC 102(e) as being anticipated by Jang¹¹ (USPN 6,241,760).

Claim 36 has been amended to recite in part "the regions of enhanced radiopacity located on struts between areas of unenhanced radiopacity". Jang does not teach this limitation. In light of the amendment, Applicant believes the rejection is overcome and requests that the 35 U.S.C. 102(e) rejection of amended claim 36 is withdrawn.

10-16

In the Final Office Action claims 1-2, 4-5, 7-10, 15-18, 22-28, and 34-35 were rejected under 35 USC 103(a) as being unpatentable over Cox in view of Erbel.

As discussed above, claim 1 and claims dependent therefrom include the recitation that the special struts extend between peaks and troughs. Each special strut has a plurality of interconnected struts adjacent the first side, the interconnected struts having curved regions which curve about the first region and a plurality of interconnected struts adjacent the second side, the interconnected struts having curved regions which curve about the second region.

These features are not disclosed or suggested in Cox. The radiopaque portions of the stent of Fig. 1 of Cox, for example, do not extend between peaks and troughs – rather, they are located on connectors between bands.

Erbel does not supply the missing teaching.

Therefore, claim 1 and claims 2, 4-5, 7-10, 15 and 34-35 dependent therefrom are patentable over the proposed combination.

Independent claim 16 and claims dependent therefrom require a serpentine with struts extending between peaks and troughs including at least one special strut which has a region

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with an enlarged width with a greater radiopacity than the remainder of the strut. A plurality of struts of the serpentine band adjacent one side of the special strut have complementary shapes thereto and another plurality of struts of the serpentine band adjacent another side of the special strut have complementary shapes thereto.

This feature is not disclosed or suggested in Cox for the same reasons as discussed above with respect to claim 1. Moreover, Erbel does not provide the missing teachings.

At least for this reason, independent claim 16 and claims 17-18 and 22-25 dependent therefrom are patentable over the proposed combination.

Independent claim 26 is directed to a stent which includes a plurality of serpentine bands formed of interconnected struts, including a proximal-most serpentine band and a distal-most serpentine band and a plurality of intermediate serpentine bands between the proximal-most and distal-most serpentine bands. Some of the intermediate serpentine bands include special struts, each special strut having a radiopaque marker. The stent includes at least one cover on at least one region of the medical device. A plurality of the special struts are located at one end of the cover and another plurality of the special struts are located at another end of the cover to mark the location of the cover. The special struts are located only in intermediate serpentine bands.

This combination of features is not disclosed or suggested in Cox and Erbel does not provide the missing features. Cox, for example, does not show or suggest a stent with the recited special struts, where the special struts are located only in intermediate serpentine bands. Erbel does not provide the missing teaching.

Therefore, claim 26 and dependent claims 27-28 are patentable over the proposed combination.

17-20

Claims 1 and 4-6 are rejected under 35 USC 103(a) as being unpatentable over the combination of Cox and Erbel as applied to claim 1 and further in view of Barone (US 6613078).

These claims are patentable over the combination for the reasons discussed above (see 10-16) with respect to the combination of Cox and Erbel. Barone fails to provide the